

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

APR 19 2012

JULIA C. DUNLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA)	Criminal No. 5:07cr00045-1
)	
v.)	<u>2255 MEMORANDUM OPINION</u>
)	
RICHIE HANSFORD CONNER)	By: Samuel G. Wilson
)	United States District Judge

Richie Hansford Conner, a federal inmate proceeding *pro se*, filed a letter (Docket No. 297), in which he argues that the prosecutor engaged in misconduct and counsel provided in effective assistance at his criminal trial. Inasmuch as Conner is challenging the validity of his federal conviction and sentence, the court construes Conner's letter as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Upon review of the record, the court finds that the § 2255 action must be dismissed as successive.

I.

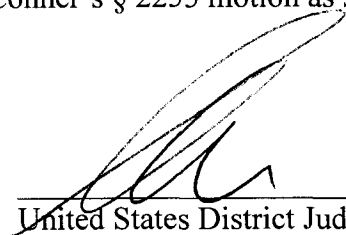
Conner challenges his 130-month sentence for conspiring to possess with intent to distribute 500 grams or more of methamphetamine and 5 kilograms of cocaine, in violation of 21 U.S.C. § 846; conspiring to commit money laundering, in violation of 18 U.S.C. § 1956(h); and tax evasion, in violation of 26 U.S.C. § 7201. Court records indicate that Conner previously filed a § 2255 motion regarding the same conviction and sentence which this court denied. See Docket Nos. 281 and 282. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Conner has not submitted any

evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his motion as successive.¹

III.

For the reasons stated, the court dismisses Conner's § 2255 motion as successive.²

ENTER: This 7th day of April, 2012.



United States District Judge

¹ Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

² Further, to the extent Conner is otherwise seeking a sentence reduction, the court denies his request. Except in limited circumstances, not present here, the court loses jurisdiction to modify a term of imprisonment once it has been imposed. 18 U.S.C. § 3582(c).